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Mandated areas

Information received from Governments

Note by the Secretariat

In its report on its second session, held in May 2003, the Permanent Forum on Indigenous Issues identified proposals, objectives, recommendations and areas of possible future action and, through the Economic and Social Council, recommended that States, United Nations system and intergovernmental organizations, indigenous peoples and non-governmental organizations assist in their realization. Information received in this regard from Governments is contained in the present document and its addenda.

* E/C.19/2004/1.

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Canada

Responses to recommendations to states made in the report on the second session of the Permanent Forum on Indigenous Issues

Data collection

> **"The Permanent Forum on Indigenous Issues takes account of the diversity of national experience with surveys, censuses and other data and information collection systems as applied to indigenous peoples, and in view of the urgent need for disaggregated data on indigenous peoples within all of the mandated areas for developing and streamlining the policies and guidelines of the work of United Nations agencies, funds and programmes, and also in view of the complexities of producing coherent data, reiterates the recommendation made at its first session to organize a workshop on the subject, and recommends that the Economic and Social Council adopt draft decision 1 contained in chapter I, section A, of the present report."**[1]

Canadian response

1. Dan Beavon, Director, Research and Analysis, Indian and Northern Affairs Canada (INAC), attended the Permanent Forum's workshop on the collection of data concerning indigenous peoples, held from 19 to 21 January 2004. The mandate of the Research and Analysis Directorate is to undertake research in order to inform INAC policy development and decision-making regarding First Nations and northern peoples of Canada. The motivating question guiding their research is "How can the quality of life be improved for individuals and their communities?"

Economic and social development

> **"The Forum notes that indigenous peoples are increasingly confronted with issues and problems related to more urban characteristics, such as access to adequate housing, services and infrastructure in human settlements. It therefore invites Governments and local authorities to adopt policies and take necessary measures to meet the changing needs of indigenous peoples within the global process of the urban/rural dynamics and continuum. The Forum also recommends that United Nations agencies, funds and programmes increase their focus on this global trend and take actions in their respective areas of work so as to positively affect indigenous peoples. It recommends that the United Nations system, especially the United Nations Human Settlements Programme submit a report on policies and programmes in this area to the Forum, and that it participate in a dialogue with the Forum at its third session."**[2]

Canadian response

2. The Urban Aboriginal Strategy was introduced in 1998, as part of Gathering Strength: Canada's Aboriginal Action Plan, to address, in partnership with

stakeholders, the serious socio-economic needs of urban Aboriginal people. The Strategy is designed to improve policy development and programme coordination at the federal level and with other levels of government. The intent of the Strategy is to reduce the level of disparity that urban Aboriginal people currently face.

3. The Government of Canada currently provides about $270 million each year in programming and services that are directed to Aboriginal people living in urban centres across Canada. Through the Strategy, the federal Government is working to engage all stakeholders to cooperate to address the socio-economic issues facing urban Aboriginal people today.

4. The Urban Aboriginal Strategy is also meant to better coordinate federal programmes and services directed to urban Aboriginal people by the Government of Canada so as to maximize existing investments and to identify ways of working more effectively to address the needs of urban Aboriginal Canadians.

5. New funding for the Strategy in the 2003 budget will be allocated to pilot projects in eight priority urban centres: Vancouver, Edmonton, Calgary, Saskatoon, Regina, Winnipeg, Thunder Bay and Toronto. These pilot projects will test new ideas on how to better respond, through partnership, to the local needs of urban Aboriginal people.

> "**The Forum recommends to States and the United Nations system the implementation of projects of agriculture, fishing, forestry, and arts and crafts production to diversify productive activities and family income sources and to contribute to reducing, according to their own will, the levels of internal and external migration of indigenous peoples, and to providing capacity-building in those areas, by:**
>
> "(a) **Promoting the knowledge, application and dissemination of appropriate technologies and indigenous peoples' local products with certificates of origin to activate product activities, as well as the use, management and conservation of natural resources;**
>
> "(b) **Strengthening the capacities and potential of local human resources to train agricultural, fishery and forestry promoters that respond efficiently to the necessities of the families beneficiaries;**
>
> "(c) **Strengthening the institutional and entrepreneurial capacity of organizations of indigenous peoples to design operative and effective strategies so as to achieve sustainable development for the indigenous peoples of the world.**"[3]

Canadian response

6. A commitment to direct economic development initiatives will result in more jobs for Aboriginal Canadians, and our Government has therefore increased this commitment from $25 million to more than $120 million over the last several years. That investment, in turn, has leveraged over $400 million in economic activity — in jobs, experience and investment in Aboriginal communities. It has led to real change and made a real difference in the quality of life of Aboriginal peoples.

7. Canada's current opportunity- and market-driven programming approach has had some success. There are now over 30,000 businesses in Canada owned and operated by Aboriginal people. This represents an annual growth rate for

Aboriginal-owned businesses of 8.5 per cent, which far exceeds the non-Aboriginal business growth rate of 1.9 per cent.

8. In recognition of the barriers that Aboriginal people face when starting and operating a business, Canada has established a national network of 54 Aboriginal financial institutions. These community-managed corporations fulfil the role of developmental lender and service provider and have lent more than $600 million to Aboriginal entrepreneurs. Canada has also organized an Aboriginal International Business Development committee to work with Aboriginal entrepreneurs to develop strategies to enhance trade and market access throughout the world.

9. An example of targeted investment is Aboriginal Business Canada, through which the Government of Canada administers $30 million annually in business development programming designed for all Aboriginal people, on the basis of five priorities: youth, innovation, trade and market expansion, tourism, and strengthening Aboriginal financial and business organizations.

10. Since 1996, Aboriginal Business Canada has assisted with the start-up of nearly 1,000 new Aboriginal businesses and has invested in over 4,400 business development projects, leveraging $2 from other sources for every $1 it contributes. Between 1996 and 2000, clients of Aboriginal Business Canada have created over 2,600 jobs, with the majority of those employed being of Aboriginal heritage.

11. In 1999 the federal Government established its Aboriginal Human Resource Strategy, with $1.6 billion in resources over five years, to create the opportunity for Aboriginal communities to make a real difference in the economic future of hundreds of thousands of Aboriginal children. Under this five-year strategy, implemented in 1999, the Government has reached agreements with 79 Aboriginal organizations to design and deliver employment programmes and services that meet their own particular needs and priorities. This includes specific labour market measures to help Aboriginal people prepare for, obtain and maintain employment, as well as build capacity within communities. It also includes funding for First Nation and Inuit childcare, and initiatives for Aboriginal youth and persons with disabilities.

12. In 1999 the Government of Canada provided a $21 million package of measures designed to improve business development opportunities for Aboriginal peoples in Canada. It includes initiatives to provide access to capital, create an Aboriginal business services network and enhance delivery of existing business support programmes to Aboriginal entrepreneurs and organizations.

13. INAC is also very active in capacity-building initiatives. In British Columbia, for example, such initiatives often flow from the relationship developed between First Nations and the federal Government through treaty negotiations.

14. The objective of the British Columbia Capacity Initiative is to enhance the capacity and expertise of First Nations that have asserted Aboriginal title in preparing to negotiate and implement land and resource components of their Aboriginal claims settlements. An annual amount of $5 million was allocated from 1999 to 2001, and since 2002 $5.25 million has been allocated per year to the Initiative to fund 319 capacity-building projects up to the end of March 2004. Projects include strategic plans, consultation practices, traditional use studies, geographic information system applications, land stewardship and other First Nation initiatives.

15. In addition, treaty-related measures are available to First Nations within the British Columbia treaty process. Treaty-related measures are federal/provincial cost-shared negotiating tools used within the British Columbia treaty process to remove identified obstacles to negotiations, thereby expediting the negotiation process. They are time-limited measures used strategically to accelerate negotiations; preserve negotiation options regarding Crown or private lands; take advantage of time-sensitive economic and cultural opportunities that provide First Nations with temporary pre-treaty access to anticipated treaty benefits; and prepare First Nations to implement treaty settlements by enhancing their role on anticipated treaty settlement lands and in governance. To date Canada, British Columbia and First Nations have negotiated and implemented 86 treaty-related measures (72 per cent of which are now completed). As of January 2004, 23 of the 34 treaty tables that are in the agreement-in-principle stage of negotiations have utilized treaty-related measures, the most commonly used of which involve land/resource and economic studies. First Nation participation in land and resource management processes within claimed territories and development measures in support of First Nation self-government are also frequently deployed. Two provincial Crown land protection measures and seven private land acquisitions have also been negotiated and implemented. To date, Canada's financial commitment to these treaty-related measures (from 2000-2001 to 2003-2004) is $14.33 million.

> "**The Forum recommends to Governments the design and implementation of mechanisms for resolving the problems related to land tenure and access to credits, with quality and efficiency and without affecting indigenous peoples**."[4]

Canadian response

16. The Claims and Indian Government Sector of the Department of Indian Affairs and Northern Development manages the negotiations, settlement and implementation of comprehensive and specific land claims agreements, as well as special claims settlements and self-government arrangements. Negotiations are between Aboriginal groups, the federal Government and, in areas affecting its jurisdiction and interests, the relevant province or territory. In these negotiations, Canada ensures that the interests of Aboriginal and non-Aboriginal people are respected, and that if they are affected they are dealt with fairly. Land claims settlements and self-government arrangements bring opportunities for economic growth and a more promising future for Aboriginal people and for all Canadians.

17. The federal Government negotiates two types of land claims:

(a) Comprehensive land claims, based on the concept of continuing Aboriginal rights and title that have not been dealt with by treaty or other legal means;

(b) Specific claims arising from alleged non-fulfilment of treaties and other lawful obligations or from the alleged improper administration of lands and other assets under the Indian Act.

Special claims are those technically outside the normal comprehensive or specific claims processes for legal reasons, but that are obviously well founded on fact.

18. Self-government agreements set out practical and workable arrangements for Aboriginal peoples to implement the inherent right of self-government and assume

responsibility and control over matters internal to their communities and integral to their unique cultures, identities, traditions, languages and institutions.

19. For more information on Canadian claims processes, see the INAC publication *Resolving Aboriginal Claims: A Practical Guide to Canadian Experiences*, which will be forwarded to the secretariat of the Permanent Forum on Indigenous Issues.

> **"The Forum recommends that States where indigenous peoples live formulate and implement public policies with gender and ethnic considerations, taking into account the multicultural and multi-ethnic composition of their populations."**[5]

Canadian response

20. The Canadian Constitution, through the Canadian Charter of Rights and Freedoms, which forms part of the Constitution Act, 1982, guarantees fundamental rights of equality to all Canadians. Section 15 of the Charter guarantees every individual the right to equality before and under the law and the right to equal protection and benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. Section 28 of the Charter confirms that the rights and freedoms of the Charter are guaranteed equally to male and female persons.

21. Internationally, Canada is committed to act on its endorsement of agreements such as the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the United Nations Declaration on Violence Against Women.

22. The Federal Plan for Gender Equality was developed and then adopted in 1995 by the Government of Canada for the Beijing Conference, as Canada's contribution towards the goals of the Platform for Action. The Federal Plan documents some of the salient global and domestic issues to be addressed in the movement towards full equality for women and men in Canada, and it highlights broad guidelines for future federal initiatives.

23. In February 1998, in response to the Federal Plan, the Minister of Indian Affairs and Northern Development created the Office of the Senior Adviser on Women's Issues and Gender Equality. That Office is the focal point for women's issues in the Department. It has the mandate to develop and implement a gender-equality analysis policy to address gender-equality issues within the Department and as they relate to First Nation and northern partners.

24. With regard to multiculturalism, Canada's cultural, ethnic and linguistic diversity has always defined our national fabric. French and English settlers, Aboriginal peoples and successive generations of immigrants from Asia, Europe, Africa, Latin America and elsewhere created the dynamic mix that built Canada. Thirty years ago, Canada became the first country in the world to adopt a national multiculturalism policy. Over the last three decades our multicultural reality has found expression in our Constitution and a variety of laws, regulations and practices. We now have in place a legislative framework that is intended to allow our diverse population to work, live and engage in community life in a climate of respect and acceptance.

25. A fundamental goal of multiculturalism has been to build capacity for dialogue and self-expression in diverse communities. We have sought to create the conditions required to realize opportunity and enable full participation in Canadian society. These goals have been enshrined in legislation through our Charter of Rights and Freedoms, Official Languages Act and Multicultural Act.

Environment

> **"The Forum recommends that the United Nations system urge all States to ratify the Kyoto Protocol, the Bio-Safety Protocol, the Stockholm Convention on Persistent Organic Pollutants (the Conference of Parties to the Stockholm Convention should establish mechanisms for indigenous peoples to maintain an active presence at its meeting), the Rotterdam Convention on Hazardous Chemicals, the Basel Convention on the Control of the Transboundary Movement of Hazardous Waste and its 1995 prohibition on the export of hazardous waste from the countries of the Organisation for Economic Cooperation and Development to non-member countries, and the 1996 Protocol to the London Convention on marine waste deposits, etc."**[6]

Canadian response

26. The Canadian Government's commitment to the Kyoto Protocol and its principles are demonstrated by the following excerpt from its 2004 Speech from the Throne:

> "The Government of Canada will respect its commitments to the Kyoto accord on climate change in a way that produces long-term and enduring results while maintaining a strong and growing economy. It will do so by developing an equitable national plan, in partnership with provincial and territorial governments and other stakeholders.
>
> "We have begun, and we will persevere. And we will go beyond Kyoto to strengthen our environmental stewardship.
>
> "First, the Government will begin by putting its own house in order. It will undertake a 10-year, $3.5 billion programme to clean up contaminated sites for which the Government is responsible. And the Government of Canada will augment this with a $500 million programme of similar duration to do its part in the remediation of certain other sites, notably the Sydney tar ponds.
>
> "Second, the Government will intensify its commitment to clean air and clean water. We will engage the United States on transboundary issues and the provinces to achieve more stringent national guidelines on air and water quality. And we are committing the resources needed to ensure safe drinking water in First Nations communities.
>
> "Third, building on recommendations of the National Round Table on the Environment and the Economy, the Government will start incorporating key indicators on clean water, clean air and emissions reduction into its decision making.

"Fourth, the Government will increase the resources to support innovative environmental technologies and further encourage their commercialization.

"Fifth, we will engage Canadians directly. Our One-Tonne Challenge aims to raise awareness and provide Canadians with information on how their individual consumption choices contribute to the emissions that drive climate change. The objective — the challenge — is to reduce emissions by 1,000 kilograms per person per year. Because environmental stewardship must be everybody's responsibility."

"The Forum recommends that United Nations bodies, in particular the Convention on Biological Diversity, in coordination with the World Bank, UNDP, FAO and IFAD, and UNEP, organize a workshop on protecting sacred places and ceremonial sites of indigenous peoples with a view to identifying protective mechanisms and instituting a legal framework that make cultural, environmental and social impact assessment studies mandatory and ensure the environmental accountability of economic, social and environmental projects that are proposed to be conducted on sacred sites and on lands, territories and waters traditionally occupied or used by indigenous peoples."[7]

Canadian response

27. The Ad Hoc Open-ended Intersessional Working Group on Article 8 (j) and Related Provisions of the Convention on Biological Diversity, at its third meeting, in Montreal, from 8 to 12 December 2003, crafted voluntary guidelines for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities. Canada supported these guidelines.

Health

"The Forum urges States to undertake and promote the expansion of their national health systems in order to provide holistic health programmes for indigenous children that incorporate preventive medical practices and family and community participation. States are urged to address the issues of malnutrition and of indigenous children victimized by poverty by adopting special measures to ensure and protect the cultivation of traditional food crops."[8]

Canadian response

28. As a complement to the Federal/Provincial/Territorial Early Childhood Development (ECD) Agreement, the ECD Strategy for First Nations and Other Aboriginal Children was announced in October 2002. The Aboriginal ECD Strategy provides $320 million over five years to:

(a) Build on existing community-based programmes, including Aboriginal Head Start and the First Nations and Inuit Child Care Initiative;

(b) Further address foetal alcohol syndrome and fetlle alcohol effects;

and Cultural Organization, the International Organization of la Francophonie, the G-8, the Summit of the Americas and the Organization of American States.

> **"The Forum recommends that Governments introduce indigenous languages in public administration in indigenous territories where feasible."**[10]

Canadian response

32. The 1993 Nunavut Land Claim Agreement led to the creation of the new territory of Nunavut, which means "our land" in Inuktitut, on 1 April 1999. Constituting one fifth of the nation's land mass, Nunavut covers 2 million square kilometres carved out of the eastern and central sections of the Northwest Territories. The population of the new territory is 85 per cent Inuit. Since 1993, the Inuit, as Nunavut's majority population, have been shaping a territorial government to reflect their culture, traditions and aspirations. To meet the needs of its 28 scattered communities, the Government of Nunavut is highly decentralized, with advanced communications technology playing a key role in this structure.

33. The training and development of public servants started after the implementation of the 1993 Agreement, and such programmes continue to be a driving force in Nunavut's evolution to self-sufficiency. The Government of Canada committed approximately $40 million for the recruitment and skills-upgrading of Nunavut public service employees. By April 1999, about 600 Inuit had already benefited from the training programmes. Inuktitut, along with English and French, is a working language of the Nunavut government.

> **"The Forum recommends that Governments and the United Nations system, through its country presences, support indigenous media and promote the engagement of indigenous youth in indigenous programmes."**[11]

Canadian response

34. For 20 years, Aboriginal broadcasters have provided audiences in remote, rural and Arctic communities across Canada a unique native-language public radio and television service.

35. The Northern Native Broadcast Access Programme has been in operation since March 1983, with the purpose of supporting the production and distribution of relevant Aboriginal programming to northern native people. The programme funds 13 Aboriginal communications societies, which serve over 250,000 Aboriginal people (status/non-status Indian, Inuit and Métis) living in northern regions of Canada.

36. The Northern Distribution Programme provides funding for the operation of a northern satellite distribution system to deliver a combination of northern and Aboriginal programming to 96 communities. The Aboriginal Peoples Television Network is the sole recipient of funding under the programme, and it operates a national television network providing Aboriginal programming in English, French and 17 Aboriginal languages.

> **"The Forum recommends that the Economic and Social Council, States and the United Nations system promote the co-administration of**

archaeological sites which are administered by States in order to contribute to the care, preservation and conservation of those sites and to facilitate processes of development of indigenous peoples."[12]

Canadian response

37. In comprehensive claims negotiations, an Aboriginal group may consider it important to preserve sites that have been traditionally significant to it for cultural or spiritual reasons. These sites may include fish camps, trading posts, old missions and historical and burial sites. For some Aboriginal peoples, archaeological evidence such as moose and caribou skin clothing, stone axes and other tools that were used by their ancestors may also have a spiritual value. Such sites could be included within land claims settlements or turned into parks to be co-managed by the indigenous group in question and the provincial or federal government. Such issues are open to negotiation.

Education

"The Forum recommends that concerned State Governments conduct workshops, training courses and other programmes for indigenous peoples, on a regular basis, to enhance their interest in the cultural diversity of the world and thus increase awareness about preserving distinct indigenous peoples' culture."[13]

"The Forum recommends the creation and/or consolidation of academic institutions to train indigenous leaders of the world and urges public and private universities to develop curricula on indigenous peoples. The Forum furthermore exhorts the presidents of universities to promote the review of their teaching and research programmes with the objective of valuing and recognizing indigenous and intercultural education and strengthening technical cooperation and the exchange of experience for the training of indigenous professionals."[14]

"The Forum recommends that States reduce the rates of illiteracy, lack of schooling, truancy and dropouts and raise the rates of completed primary education through literacy campaigns and the design of indigenous, bilingual, intercultural educative and extramural models in the States where indigenous peoples live."[15]

Canadian response

38. Education is an essential factor for ensuring strong First Nation and Inuit individuals, communities and economies. Research indicates that the single most important way to provide a quality of life comparable to that of other Canadians is through investing in education. For example, according to the human development index, almost 60 per cent of improvements in quality of life for First Nations between 1991 and 2001 can be directly attributed to education.

39. Education is a powerful enabler because it is an essential building block for economic development and good governance. It is through education that First Nation and Inuit learners acquire the necessary skills and knowledge to fully

participate in the wage economy and to develop the professionalism, expertise and leadership necessary for effective community development and governance.

40. First Nation and Inuit learners are part of the larger overall Canadian trend of increasing educational attainment. Twenty years ago, there were only several hundred First Nation and Inuit individuals with post-secondary degrees in all of Canada. Now there are over 30,000 First Nation and Inuit degree holders. The increase in attainment has been paralleled, and is supported, by an increase in First Nation control of the delivery of education to First Nation children living on reserves. For example, the number of First Nation schools increased by 40 per cent (from 353 to 496) from 1992-1993 to 2002-2003.

41. Notwithstanding the gains that have been made, an unacceptable gap in educational attainment exists between First Nation and Inuit people and other Canadians. The Government of Canada is working collaboratively with First Nations, Inuit, provincial governments and other stakeholders to narrow the gap and ensure that First Nation and Inuit children have the same educational opportunities that other Canadians enjoy. Towards this objective, Indian and Northern Affairs Canada is supporting First Nations and Inuit to provide a high-quality, culturally relevant education and further enhancing Indian control over Indian education by increasing First Nation capacity, decision-making and participation by expanding and accelerating the development of regional First Nation education organizations.

42. In 2002, the Minister for Indian Affairs and Northern Development established the National Working Group on Education. The mandate of the 15 Aboriginal members of the Working Group was to research and provide advice to the Minister on how, in partnership with First Nations, INAC could better foster excellence in First Nation education, celebrate some of the successes in First Nation education and help narrow the unacceptable gap in academic results between First Nation students and other Canadian students.

43. In December 2002, the Working Group submitted its final report, entitled *Our Children — Keepers of the Sacred Knowledge*. The focus of the report is on reserve education, but, given the high percentage of First Nation students attending provincial schools, it also addresses the needs of such students. The report contains a total of 27 recommendations that, in keeping with the holistic First Nation philosophy of lifelong learning, span the period from early childhood to post-secondary education. The recommendations are intended to facilitate the establishment of a high-quality First Nation education system, grounded in indigenous knowledge, that is characterized by high levels of academic achievement and students who possess the knowledge and skills to participate fully in their own First Nation community and in Canadian society. The Government is committed to an ongoing discussion with the First Nations to determine the next steps on how to follow up on the report's recommendations.

Notes

[1] *Official Records of the Economic and Social Council, 2003, Supplement No. 23* (E/2003/43-E/C.19/2003/22), chap. 1, para. 122.

[2] Ibid., para. 32.

[3] Ibid., para. 42.

[4] Ibid., para. 43.

[5] Ibid., para. 44.

[6] Ibid., para. 49.

[7] Ibid., para. 55.

[8] Ibid., para. 80.

[9] Ibid., para. 95.

[10] Ibid., para. 98.

[11] Ibid., para. 99.

[12] Ibid., para. 103.

[13] Ibid., para. 107.

[14] Ibid., para. 109.

[15] Ibid., para. 111.